

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings of claims in the application:

Listing of Claims:

1 1. (Currently amended) A method for protecting consumer personal data, the
2 method comprising:

3 receiving an application for a payment instrument, wherein the application
4 comprises personal data and a privacy preference of a consumer;

5 saving the application in electronic form in a database that is associated with an
6 issuing financial institution who issued the payment instrument; and

7 storing at least some of the personal data and the privacy preference onto the
8 payment instrument, wherein the payment instrument further includes consumer account
9 information necessary to tie a debit or credit payment transaction to a consumer account that is
10 associated with the issuing financial institution;

11 receiving a purchase request at a credit or debit processing system that is
12 associated with a merchant financial institution, wherein the purchase request includes at least
13 some of the personal data and the privacy preference;

14 saving the privacy preference in a database associated with the merchant financial
15 institution .

1 2. (Original) A method as in claim 1, wherein the payment instrument
2 comprises a credit or debit card having a magnetic stripe, and wherein at least some of the
3 personal data and the privacy preference are electronically stored on the magnetic stripe.

1 3. (Original) A method as in claim 1, wherein the payment instrument
2 comprises a check, and wherein the privacy preference is printed onto the check.

1 4. (Original) A method as in claim 1, wherein the payment instrument
2 comprises a credit or debit card with a processor and electronic memory, and wherein the
3 personal data and the privacy preference are electronically stored in the memory.

1 5. (Currently amended) A method as in claim 1, further comprising reading
2 the personal data and the privacy preference at a merchant location when the consumer is making
3 a purchase using the payment instrument, and transmitting the ~~saving~~ the personal data and the
4 privacy preference to the credit or debit processing system ~~at a merchant storage location~~.

1 6. (Original) A method as in claim 5, further comprising mailing marketing
2 material to the consumer only if permitted by the consumer's privacy preference.

1 7. (Original) A method as in claim 1, wherein the privacy preference
2 indicates that the consumer would like to receive marketing material only from merchants that
3 the consumer does business with.

1 8. (Original) A method as in claim 1, wherein the privacy preference
2 indicates that the consumer would like to receive marketing material only from merchants that
3 the consumer does business with and their affiliates.

1 9. (Original) A method as in claim 1, wherein the privacy preference
2 indicates that the consumer would like to receive marketing material only from the bank that the
3 consumer does business with.

1 10. (Original) A method as in claim 1, wherein the privacy preference
2 indicates that the consumer does not want any marketing material.

Claims 11–12 (Canceled).

1 13. (Previously amended) A method for protecting consumer personal data,
2 the method comprising:

3 providing the consumer with a payment instrument having stored thereon a
4 privacy preference, wherein the payment instrument further includes consumer account
5 information necessary to tie a debit or credit payment transaction to a consumer account;

6 reading the privacy preference and the consumer account information from the
7 payment instrument when making a purchase at a merchant location, wherein the consumer
8 account information is read to provide payment to a merchant;

9 saving the privacy preference in a merchant database; and

10 contacting the consumer only in accordance with the privacy preference.

1 14. (Original) A method as in claim 13, wherein the payment instrument
2 comprises a credit or debit card having a magnetic stripe, and wherein at least some of the
3 personal data and the privacy preference are electronically stored on the magnetic stripe.

1 15. (Original) A method as in claim 13, wherein the payment instrument
2 comprises a check, and wherein the privacy preference is printed onto the check.

1 16. (Original) A method as in claim 13, wherein the payment instrument
2 comprises a credit or debit card with a processor and electronic memory, and wherein the
3 personal data and the privacy preference are electronically stored in the memory.